



Doc. 11644
18 June 2008

Proposed forty-two days' pre-charge detention in the United Kingdom

Motion for a resolution¹

tabled by Mr David WILSHIRE and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

The Assembly notes that:

- the United Kingdom Government wishes to give the British police power to detain individuals for up to 42 days without charging them with any offence;
- the Lower House of the British Parliament has voted in favour of such a proposal;
- the Council of Europe's Human Rights Commissioner has criticised this proposal;
- the proposal is well in excess of approved limits in other Council of Europe member states.

The Assembly believes that the proposal is:

- contrary to Articles 3 and 5 of the European Convention on Human Rights;
- in serious violation of Article 3 of the Statute of the Council of Europe;
- contrary to the fundamental British Common-Law principle of the rule of law, as first set out in the Magna Carta in 1215;
- contrary to the specific ban on unlawful detention within British Common Law, as first codified in the Habeas Corpus Act in 1679.

The Assembly calls on the United Kingdom Government and the British Parliament:

- to honour the commitments given when ratifying the European Convention on Human Rights;
- to cease violating the Statute of the Council of Europe;
- to respect the fundamental principles of human rights and the rule of law;
- to abandon their attempt to give the British police this undemocratic and excessive power.

The Assembly requests its relevant committee(s):

- to consider whether such a law is compatible with the obligations arising from membership of the Council of Europe;

1. Referred to the Committee on Legal Affairs and Human Rights, for report: Reference No. 3463 (19th Sitting, 23 June 2008).



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- to consider whether the United Kingdom is in breach of its human rights and rule of law obligations.

Signed (see overleaf)

Signed²:

WILSHIRE David, United Kingdom, EDG
BJARNADÓTTIR Guðfinna S., Iceland
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CHOPE Christopher, United Kingdom, EDG
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DEL ROIO José Luiz, Italy
ELZINGA Tuur, Netherlands, UEL
EVANS Nigel, United Kingdom
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KUMCUOĞLU Ertuğrul, Turkey, EDG
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ROSSI Alessandro, San Marino
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TÜRKEŞ Tuğrul, Turkey, EDG
VAKSDAL Øyvind, Norway
WALTER Robert, United Kingdom, EDG
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2. ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democrat Group
UEL: Group of the Unified European Left